

**IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPLE REGISTRY
HOLDEN AT LUSAKA**
(Criminal Jurisdiction)

HP/164/2017



THE PEOPLE

VS

DICKSON MAPULANGA

Before the Honourable Mr. Justice C. Chanda in Open Court on the 17th day of May, 2017.

For The People: Mrs S. M. Besa, State Advocate National
Prosecutions Authority.

For The Accused: Ms Zulu, Legal Aid Counsel

SENTENCE

DICKSON MAPULANGA, the Accused person herein stands charged with and pleads guilty to one count of Manslaughter contrary to Section 199 of the Penal Code Chapter 87 of the Laws of Zambia.

Particulars of the offence alleged that, **DICKSON MAPULANGA** on the 4th day of September, 2016, at Chongwe in the Chongwe District of the Lusaka Province of the Republic of Zambia, did unlawfully cause the death of **PETER NGULUBE**.

In Mitigation, Learned Defence Counsel submitted that the Convict was youthful with a chance at reformation if given a second chance.

He was a man of responsibility as he has four (4) children and a wife who wholly depended on him. During his incarceration since 17th August 2016 he had reflected and learnt that indulging in such conduct was not profitable. That he was a first offender who had readily pleaded guilty without wasting Court's time thus deserving the Court's leniency and a second chance at life. That he was remorseful for having committed the offence.

The facts of this case are very unfortunate and the death in my humble view could have been avoided if only both the deceased and the Convict exercised some level of reason.

Clearly, the deceased was informed that the "bar" had been closed and there were no more sales. I do not think that was too much to ask from the deceased. I am sure if he had just gone back home, we would not have been in Court today.

Similarly, the Convict ought to have been reasonable to understand that the deceased may have taken too much and that was why he lost his sense of reason. I do not think that the deceased deserved to be viciously beaten when there was an option of selling him the last bear in order to avoid his insistence of buying one for the road. After all in business, it is a well know customer care principle that '*A customer is always right*'.

In the circumstances, I find that the Convict overreacted beyond proportion by flexing his muscles on the deceased and thereby

unlawfully causing his death. And this he continued doing despite the intervention of **TEDDY HAMBOMA**.

It is really unfortunate that an innocent life of a citizen was lost merely because he wanted to quench his thirst.

I am at a loss really to comprehend what grave offence the deceased committed or what could have infuriated the Convict to resort to violence when there were a lot of options available to him.

Violence of any form has no place in Zambia and the Courts shall forever continue sounding a warning by passing befitting sentences.

Being a first offender who has readily pleaded guilty to the amended charge without wasting my time, you shall certainly have my maximum lenience. I hereby sentence you **DICKSON MAPULANGA** to seven (7) years imprisonment with hard labour with effect from 10th September, 2016 the date of your arrest.

Convict reserves the right of appeal to the Court of Appeal within 14 days from today.

Delivered in Open Court this 17th day of August, 2017.


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C. CHANDA
JUDGE

